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FORM  First Named Inventor  Art Unit  2835  Examiner Name  L. Lea-Edmonds  L. Lea-Edmonds  Attorney Docket Number  43452000103  ENCLOSURES (Check all that apply)  Fee Transmittal Form plus duplicate for fee processing  Fee Attached  Licensing-related Papers  Amendment/Reply  Petition  After Final  Provisional Application  Affidavits/declaration(s)  Extension of Time Request  Information Disclosure Statement  Certified Copy of Priority  Document(s)  Reply to Missing Parts under  SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT  Firm Name  MORRISON & FOERSTER LLP (Customer No. 25226)  Estendance  Attorney Docket Number  L. Lea-Edmonds  L. Lea-Edmonds  L. Lea-Edmonds  Attorney Docket Number  434352000103  After Allowance Communication to Box Appeals and Interferences  Appeal Communication to Box Appeals and Interferences  Appeal Communication to TC (Appeal Notice, Brief, Reply Brief, Reply to Missing Parts  Convert to a Provisional Application  Power of Attorney, Revocation Change of Correspondence Address  Terminal Disclaimer  CD, Number of CD(s)  Landscape Table on CD  SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT  Firm Name  MORRISON & FOERSTER LLP (Customer No. 25226)	Т	RANSMITTA	<b>AL</b>	Filing Date		October 1, 2003
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Date March 2, 2007 Reg. No. 45,763	Date March 2, 2007			F	Reg. No.	45,763
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Thereby Certify that this paper is being deposited with the U.S. Postal Service as Express Mail, Alfbill Nos. EV 596704909 US, EV 596704900 US, EV 596704900 US, EV 596704900 US

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill Nos. EV 596704909 US, EV 596704886 US & EV 596704890 US, in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below

Dated: March 2, 2007

Signature: Los Marie Pulice:

Docket No.: 443452000103

(PATENT)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Giovanni COGLITORE et al.

Confirmation No.: 9230

Application No.:

10/678,006

Art Unit:

2835

Filed:

October 1, 2003

Examiner:

L. Lea-Edmonds

For: HIGH DENSITY COMPUTER EQUIPMENT

STORAGE SYSTEM

## **COMMUNICATION UNDER 37 C.F.R. 1.97(i)**

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Due to the fact a Final Office Action was mailed on January 26, 2006, and subsequently an Appeal Brief was filed February 23, 2007, for the above-referenced patent application, Applicants respectfully request that the attached references be placed in the file wrapper for the above-referenced application in accordance with the provisions of 37 C.F.R. 1.97(i).

Applicant believes no fee is necessary, but in the event the U.S. Patent and Trademark Office determines that an extension and or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit** 

Docket No.: 443452000103

<u>Account 03-1952</u> referencing docket no. <u>443452000103</u>. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 2, 2007

Respectfully submitted,

Rick Shoon

Registration No.: 45,763

MORRISON & FOERSTER LLP 755 Page Mill Road Palo Alto, California 94304-1018 (650) 813-5804



## **INFORMATION DISCLOSURE** STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 10

Complete if Known					
Application Number	10/678,006				
Filing Date	October 1, 2003				
First Named Inventor	Giovanni COGLITORE				
Art Unit	2835				
Examiner Name	L. Lea-Edmonds				
Attorney Docket Number	443452000103				

	U.S. PATENT DOCUMENTS								
Examiner	Cite	Document Number	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where Relevant Passages or Relevant				
Initials*	No. <sup>1</sup>	Number-Kind Code <sup>2</sup> (if known)	MM-DD-YYYY	Applicant of Cited Document	Figures Appear				
	1.	US-4,352,146	09-28-1982	Hermanutz et al.					
	2.	US-4,612,979	09-23-1986	Heitzig					
	3.	US-4,758,925	07-19-1988	Obata et al.					
	4.	US-5,023,754	06-11-1991	Aug et al.					
	5.	US-5,381,315-A	01-10-1995	Hamaguchi et al.					
	6.	US-5,832,988-A	11-10-1998	Mistry et al.					
	7.	US-5,934,485-A	08-10-1999	Harris et al.					
	8.	US-6,024,165-A	02-15-2000	Melane et al.					
	9.	US-6,095,345-A	08-01-2000	Gibbons					
	10.	US-6,496,366-B1	12-17-2002	Coglitore et al.					
	11.	US-6,850,408-B1	02-01-2005	Coglitore et al.					

		FOREI	GN PATENT	DOCUMENTS		
Examiner Initials*	Cite No.1	Foreign Patent Document  Country Code³-Number⁴-Kind Code⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T⁵
	12.	JP-57-064998-A	04-20-1982	Nippon Telegraph & Telephone		
	13.	JP-57-068100-A	04-26-1982	Nippon Telegraph & Telephone		
	14.	JP-57-201099-A	12-09-1982	Fujitsu Ltd.		1
	15.	JP-61-287299-A	12-17-1986	Fujitsu Ltd.		F
	16.	JP-03-214490-A	09-19-1991	Hitachi Ltd.	Translation of Abstract Only	
	17.	JP-04-275095-A	09-30-1992	Fujitsu Ltd.	Translation of Abstract Only	
-	18.	JP-05-160592-A	06-25-1993	Tokyo Shibaura Electric Co.	Translation of Abstract	1
	19.	JP-07-506222-A	07-06-1995	Ericsson Telefon AB	Translation of Abstract Only	
	20.	JP-07-202464-A	08-04-1995	Tokyo Shibaura Electric Co.	Translation of Abstract Only	
	21.	JP-08-124375-A	05-17-1996	Hitachi Ltd.	Translation of Abstract Only	
	22.	JP-08-273345-A	10-18-1996	Hitachi Ltd.	Translation of Abstract Only	
	23.	JP-09-274791-A	10-21-1997	Hitachi Ltd.	Translation of Abstract Only	
	24.	JP-11-066836-A	03-09-1999	Hitachi Ltd. et al.	Translation of Abstract	1

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Sheet	2	of	10	Attorney Docket Number	443452000103	

\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at <a href="www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	25.	Defendant SuperMicro Computer, Inc.'s Final Invalidity Contentions [Patent L.R. 3-3, 3-6, and 3-7] in Case No. C 05-03561 PJH before the United States District Court Northern District of California San Francisco Division in <u>Rackable Systems</u> , Inc. v. SuperMicro Computer, Inc., filed by DLA Piper US LLP on December 1, 2006, 3 pages, Exhibit A (Long version, 502 pages), Exhibit A (Short version, 205 pages).	
	26.	Defendant SuperMicro Computer, Inc.'s Answer and Counterclaims to Complaint, Demand for Jury Trial, Certification of Interested Parties or Entities, Fed. R. Civ. P. 7.1 Disclosure Statement, Complaint Filed: September 2, 2005 in Case No. C05-03561 PJH before the United States District Court Northern District of California San Francisco Division in <a href="Rackable-Systems">Rackable Systems</a> , Inc. v. SuperMicro Computer, Inc., filed by DLA Piper Rudnick Gray Cary US LLP on September 22, 2005, 11 pages.	
	27.	Rackable Systems, Inc.'s Reply to SuperMicro Computer, Inc.'s Counterclaims, Demand for Jury Trial in Case No. C 05-03561 PJH before the United States District Court Northern District of California San Francisco Division in Rackable Systems, Inc. v. SuperMicro Computer, Inc., filed by Kirkland & Ellis LLP on October 12, 2005, 4 pages.	
	28.	Complaint for Patent Infringement, Demand for Jury Trial, Certification of Interested Entities or Persons, Fed. R. Civ. P. 7.1 Disclosure Statement in Case No. C05 03561 EMC before the United States District Court Northern District of California San Francisco Division in Rackable Systems, Inc. v. SuperMicro Computer, Inc., filed by Kirkland & Ellis LLP on September 2, 2005, 8 pages.	
	29.	Joint Case Management Statement in Case No. C 05-03561 PJH before the United States District Court Northern District of California San Francisco Division in Rackable Systems, Inc. v. SuperMicro Computer, Inc., filed by Kirkland & Ellis LLP on December 29, 2005, 9 pages.	
	30.	Stipulation and [Proposed] Order Granting Defendant and Counterclaimant SuperMicro Computer, Inc. Leave to Amend Answer and Counterclaims in Case No. C 05-03561 PJH before the United States District Court Northern District of California San Francisco Division in Rackable Systems, Inc. v. SuperMicro Computer, Inc., filed by DLA Piper US LLP on November 22, 2006, 3 pages.	
	31.	Defendant SuperMicro Computer, Inc.'s First Amended Answer and Counterclaims to Complaint, Demand for Jury Trial, Complaint Filed: September 2, 2005 in Case No. C05-03561 PJH before the United States District Court Northern District of California San Francisco Division in Rackable Systems, Inc. v. SuperMicro Computer, Inc., filed by DLA Piper US LLP on November 28, 2006, 12 pages.	
	32.	Defendant SuperMicro Computer, Inc.'s Response to Rackable Systems, Inc.'s First Set of Interrogatories in Case No. C 05-03561 PJH before the United States District Court Northern District of California San Francisco Division in Rackable Systems, Inc. v. SuperMicro	

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(Use as many sheets as necessary)				Examiner Name	L. Lea-Edmonds	
Sheet	3	of	10	Attorney Docket Number	443452000103	

	Computer, Inc., filed by DLA Piper Rudnick Gray Cary US LLP on January 13, 2006, 10 pages, Proof of Service, and Verification dated January 25, 2006.
	Defendant SuperMicro Computer, Inc.'s Response to Rackable Systems, Inc.'s Second Set of Interrogatories in Case No. C 05-03561 PJH before the United States District Court Northern District of California San Francisco Division in Rackable Systems, Inc. v. SuperMicro Computer, Inc., filed by DLA Piper Rudnick Gray Cary US LLP on February 16, 2006, 4 pages and Proof of Service.
	Defendant SuperMicro Computer, Inc.'s Supplemental Response to Rackable Systems, Inc.'s First Set of Interrogatories (Nos. 1, 2, 3, 4, 6, 8) in Case No. C 05-03561 PJH before the United States District Court Northern District of California San Francisco Division in Rackable Systems, Inc. v. SuperMicro Computer, Inc., filed by DLA Piper Rudnick Gray Cary US LLP on May 26, 2006, 16 pages, Verification, and Proof of Service.
	Defendant SuperMicro Computer, Inc.'s Supplemental Response to Rackable Systems, Inc.'s Second Set of Interrogatories in Case No. C 05-03561 PJH before the United States District Court Northern District of California San Francisco Division in Rackable Systems, Inc. v. SuperMicro Computer, Inc., filed by DLA Piper Rudnick Gray Cary US LLP on May 26, 2006, 4 pages, Verification, and Proof of Service.
	Defendant SuperMicro Computer, Inc.'s Second Supplemental Response to Rackable Systems, Inc.'s First Set of Interrogatories (No. 8) in Case No. C 05-03561 PJH before the United States District Court Northern District of California San Francisco Division in Rackable Systems, Inc. v. SuperMicro Computer, Inc., filed by DLA Piper Rudnick Gray Cary US LLP on July 27, 2006, 55 pages, Verification, and Proof of Service.
	Defendant SuperMicro Computer, Inc.'s Third Supplemental Response to Rackable Systems, Inc. First Set of Interrogatories (Nos. 1-3, 5-7) in Case No. C05-03561 PJH before the United States District Court Northern District of California San Francisco Division in Rackable Systems, Inc. v. SuperMicro Computer, Inc., filed by DLA Piper US LLP on September 13, 2006, 17 pages, Verification, and Proof of Service.
	Defendant SuperMicro Computer, Inc.'s Fourth Supplemental Response to Rackable Systems, Inc.'s First Set of Interrogatories (No. 8) in Case No. C 05-03561 PJH before the United States District Court Northern District of California San Francisco Division in Rackable Systems, Inc. v. SuperMicro Computer, Inc., filed by DLA Piper Rudnick Gray Cary US LLP on September 29, 2006, 163 pages and Proof of Service.
	Defendant SuperMicro Computer, Inc.'s Fifth Supplemental Response to Rackable Systems, Inc.'s First Set of Interrogatories (Nos. 1, 3, 5, 6, 7) in Case No. C 05-03561 PJH before the United States District Court Northern District of California San Francisco Division in Rackable Systems, Inc. v. Super Micro Computer, Inc., filed by DLA Piper US LLP on October 20, 2006, 19 pages, Verification, and Proof of Service.
	Plaintiff Rackable Systems, Inc.'s Response to Defendant SuperMicro Computer, Inc.'s First Set of Interrogatories in Case No. C 05-03561 PJH before the United States District Court Northern District of California San Francisco Division in Rackable Systems, Inc. v. Super Micro Computer, Inc., filed by Kirkland & Ellis LLP on January 12, 2006, 12 pages, Verification dated January 11, 2006, and Certificate of Service.
4	Patent Local Rule 4-3 Joint Claim Construction and Prehearing Statement in Case No. C 05-03561 PJH before the United States District Court Northern District of California San Francisco Division in Rackable Systems, Inc. v. Super Micro Computer, Inc., filed by DLA Piper Rudnick Gray Cary US LLP and Kirkland & Ellis LLP on May 24, 2006, 6 pages, Attestation Pursuant to General Order 45, Exhibits A-G (115 pages).
4	2. Plaintiff Rackable Systems, Inc. Opening Claim Construction Brief in Case No. C 05-03561

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(Use as many sheets as necessary)				Examiner Name	L. Lea-Edmonds	
Sheet	4	of	10	Attorney Docket Number	443452000103	

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Sheet 5 of		10	Attorney Docket Number	443452000103		

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<sup>&</sup>lt;sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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